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ATTY. DKT. 15722.0001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Keisuke ASABA, et al.

Art Unit : 2834

Serial No. : 10/556,908

Examiner : Leda T. Pham

Filed : August 11, 2006

Title : DC MOTOR

MAIL STOP Amendment
U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulaney Street
Alexandria, VA 22314

SUPPLEMENTAL ARGUMENT IN RESPONSE TO OFFICE ACTION DATED FEBRUARY
13, 2009

In addition to the Amendment filed May 13, 2009, Applicants submit the attached verified translation of Priority Document JP 2004-343952, which was filed on May 19, 2003.

The Office Action of February 13, 2009 relied on Asaba U.S. Patent Application Publication 2004/0164638 to reject Applicants' claims 5-16 and 21-24. However, Asaba was filed December 16, 2003, or about seven months after applicants' priority date. Thus, Asaba does not qualify as prior art under 35 U.S.C. § 102(e) and therefore does not form a proper basis for rejecting Applicants' claims 5-16 and 21-24.

In light of the foregoing, Applicants respectfully requests that the pending claims be allowed. The Commissioner is authorized to apply any charges or credits to deposit account 19-4293.

Respectfully submitted,

Date: May 14, 2009



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CERTIFICATE OF TRANSLATION

I, Toru ISHIKAWA, patent attorney, residing at c/o ORION I.P.O., 2nd floor Fuji bldg. 2-24-12, Kanumadai, Sagamihara-shi, Kanagawa 229-0033 Japan, do hereby certify that I am conversant with the English and Japanese languages and am a competent translator, thereof, and that to the best of my knowledge and belief the attached English translation is a true and correct translation made by me of Japanese Patent Application No. 2003-140329 filed in Japan on May 19, 2003.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such will false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed this 11th of May, 2009



Toru ISHIKAWA
Patent Attorney